

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 1.25. Administrative Procedures–Hearings

Article 4. Administrative Hearing Procedures for Review of Citations

Subarticle 5. Initiating Proceeding to Contest a Citation

§ 60075.20. Effect of Filing a Request for Hearing.

(a) The requirements to immediately correct deficiencies specified in a citation issued under section 44011.6(b) and to pay a civil penalty within 45 days of receipt of a citation (Title 13, California Code of Regulations, section 2185) shall be stayed on timely receipt of a request for hearing until a final decision or order has been issued pursuant to section 60075.44 of these rules.

(b) For all other citations of noncompliance, if a cease and desist order has been issued, the hearing officer shall issue a stay pending issuance of a final decision, unless the hearing officer finds that the adverse effects of a stay on the public health, safety and welfare outweigh the harm to those persons directly affected by the lack of a stay. The hearing officer may conduct a hearing or request such submissions by the parties as necessary to obtain information to make a determination on this issue.

NOTE: Authority cited: Sections 39600, 39601, 43028, 43031(a) and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge*, 424 U.S. 319 (1976); and Sections 43028, 43031(a) and 44011.6, Health and Safety Code.

REFERENCE